

**UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,  
:  
:  
v.  
:  
Case No. 22-cr-560 (CS)  
:  
FRANK BUTSELAAR,  
:  
:  
Defendant.  
:  
:  
----- X

**AFFIRMATION**

Kerry A. Lawrence, being duly sworn, affirms as follows:

1. I am an attorney at law admitted to practice in the State of New York and in the United States District Court for the Southern District of New York. I have been appointed pursuant to the Criminal Justice Act to represent the defendant, Frank Butselaar, in the above-captioned matter. As such, I am familiar with the facts and circumstances of this case.

2. This affirmation is made upon information and belief, in support of the within motion for relief as set forth in the Notice of Motion. The sources of that information and belief are records and information in my file for this case, including discovery provided by the government and other materials obtained during the course of my investigation of this case.

3. On October 20, 2022, the Government filed a multi-count Indictment against the Mr. Butselaar, charging him with one count of Conspiracy to Defraud the United States, in violation of 18 U.S.C. § 371, and five substantive counts of Aiding and Assisting in the Preparation of a False and Fraudulent U.S. Individual Income Tax Return in violation of 26 U.S.C. § 7206(2).

4. Mr. Butselaar was arrested and made his initial appearance on these charges on October 2, 2023.

5. As set forth in the Notice of Motion, Mr. Butselaar seeks an Order, pursuant to U.S. Const. Amend. VI, Fed. R. Crim. P. 12, and Local Rule 6.2, dismissing the Indictment in the above-captioned matter, and granting such further relief as the Court deems just and proper. No previous application for the relief sought herein has been made at any prior proceeding.

6. The accompanying Memorandum of Law, which is hereby incorporated and made part hereof, sets forth the bases and arguments in support of the relief requested.

Dated: White Plains, New York  
May 31, 2024



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Kerry A. Lawrence

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